IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 6051 OF 2005
IN
FIRST APPEAL NO. 2478 OF 2005.

The Ichalkaranji Municipal Council ... Applicant.
Versus.
Nijam Razaq Kalawant & anr. ... Respondents.

Shri T.S.Ingale for the Applicant.

Shri S.V.More, A.G.P. for the Respondent No.2.

CORAM : ABHAY S.OKA, J.

DATED : 7th MARCH, 2006.

P.C.:

1. Heard Shri Ingale for the Applicant and the learned A.G.P. for Respondent No.2. The Applicant is the acquiring body which has preferred the First Appeal for challenging the Award made under section 18 of the Land Acquisition Act, 1894. The prayer for stay of execution of the Award cannot be granted unless the entire amount due and payable under the Award is deposited by the Applicant.

2. Hence there will be interim stay in terms of prayer clause (a) subject to condition that the Applicant will deposit with the Reference Court the entire amount due and payable under the impugned Judgment and Award within a period of 12 weeks from today. If the amount is not deposited within the stipulated time, the stay granted will stand vacated

automatically without reference to this Court.

3. If the amount is deposited by the Applicant within the stipulated time, the original Claimant will be entitled to withdraw the said amount subject to furnishing security to the satisfaction of the Reference Court. Civil Application is disposed of with the above directions.

4. As this Civil Application is disposed of without hearing Respondent No.1, liberty to Respondent No.1 to apply for modification of the order.

Judge.